

REMARKS:

In the outstanding Office Action, the Examiner rejected claims 1, 3-6, 15-19 and 21-29. Claims 1, 3-6, 16-19, 21, 22 and 27-29 are amended herein. Claims 2, 7-14 and 20 remain cancelled. No new matter is presented. Thus, claims 1, 3-6, 15-19 and 21-29 are pending and under consideration. The rejections are traversed below.

OBJECTIONS TO THE CLAIMS

Starting on page 2 of the outstanding Office Action, the Examiner objected to claims 18 and 19 due to informalities. Claims 18 and 19 are amended herein.

Therefore, withdrawal of the objection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 112¶2:

Claim 29 was rejected 35 U.S.C. § 112¶2 as being indefinite. Claim 29 is amended herein.

Therefore, withdrawal of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 102(b):

Claims 1, 3, 4 and 18 and claim 27 and 28 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,675,630 (Beatty) and U.S. Patent No. 5,642,410 (Walsh), respectively. Claims 1, 6, 18, 19, 27 and 29 were rejected as being anticipated by JP 09-107396 (Tomohiro) and claims 21 and 27-29 were rejected as being anticipated by JP 10-304452 (Shojiro).

Beatty merely proposes associating the features, such as phone number directories, of a mobile communication module with the number assignment modules (NAMs). The associating the phone number directories with the individual NAMs in Beatty is completely different from managing "application programs", as taught by the claimed invention (see discussion of claims below).

Beatty also requires a user to manually select a NAM for use (i.e., pulling up or scrolling through the NAM options). However, per the Examiner's own assertion on page 4 of the Office Action, Beatty requires that the user activate the NAM by making a selection from the multiple NAMs to trigger a phone book and/or a speed dial directory which complements the selected NAM (see, col. 4, lines 45-65). Only then Beatty provides the phone book/directory to the user.

The call processor of Walsh is directed to having a user establish precedential rules and handling calls based on the established rules. For example, incoming and outgoing calls are handled based on user entered call information and rule handling criteria (time of day and numbers) (see, col. 8, lines 34-56 and col. 9, lines 31-53). That is, Walsh merely proposes a call processor that establishes precedential rules for retrieving application program data based on call information and executing rules in response to transmitted call information.

The Examiner appears to equate that set of information retrieved in Tomohiro as a "mode" of operation and states that the device inherently comprises a managing part controlling a switch and a control part for performing functions as taught by the invention. The Applicants respectfully traverse the Examiner's statement and request the Examiner to produce authority for the statement.

Tomohiro discusses private and business use terminal data that are collectively stored in a telephone directory memory and accessed based on a set up of a control channel indicating private or business access to the base station (see, Abstract). That is, the Tomohiro apparatus merely selects and displays telephone directory data according to a mode that is specified by a key or corresponds to a condition such as the location of the apparatus.

Shojiro is directed to retrieving, extracting and controlling information based on a designated place and time zone entered by the user and designated in the telephone directory (see, Abstract). Meaning, Shojiro merely selects and displays telephone directory data according to whether a communication mode is a public mode or a home mode.

The claimed invention manages application programs in a manner linked to using situations, thereby enabling an application program (having a high possibility of being used) to be automatically be selected depending on the using situation.

Independent claim 1, by way of example, recites managing "one or more application programs stored in the portable apparatus usable by a particular user in a manner linked to a plurality of using situations" and "a switch to set a using situation of the portable apparatus usable by the particular user to one of a plurality of modes usable by the user responsive to detection of said using situation based on a current use pertaining to said one or more application programs." The claimed portable apparatus of claim 1 includes, "a control part configured to automatically select, based on said set using situation, an application from among said one or more application programs having a high possibility of use from the managing part, and to make the selected application program usable by the particular user."

Similarly, claims 18, 21, 27 and 28 recite managing “one or more application programs” and selecting “an application program” that has “a high possibility of use” based on detection of “using situation” for use by the user.

Claim 21 further recites, “a timer tracking time of day” and “a switch indicating one of a business mode for business use and a private mode for personal use, of the portable apparatus usable by the particular user, based on the time of day.”

The cited references, alone or in combination, do not teach or suggest the above-identified features including managing “application programs” in a manner linked to “using situations” and automatic selection of “an application program” depending on the using situation, as recited in the independent claims.

The above-discussed cited references are limited to merely associating a user’s name with telephone numbers, thus it is submitted that the independent claims are patentable over the cited references.

For at least the above-mentioned reasons, claims depending from the independent claims are patentably distinguishable over the cited references. The dependent claims are also independently patentable. Claim 3, for example, recites that the control part “determines an accounting destination depending on whether the using situation is a business mode for business use or a private mode for personal use” (see also claim 15).

The cited references, alone or in combination, do not teach or suggest determination of “... an accounting destination depending on whether the using situation”, as recited in claims 3 and 15.

Therefore, withdrawal of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103(a):

Claims 5, 6, 15-17, 19 and 21-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of the following: Beatty, Walsh, U.S. Patent No. 6,047,062 (Bijman) and U.S. Patent No. 6,477,374 (Shaffer).

Bijman is directed to updating a phone directory when a phone number of a caller does not match a number stored in association with the caller (see, col. 2, lines 27-33) and Shaffer is directed to pre-programmed calendar of time/date in association with routing of calls (see, col. 3, lines 2-7). Accordingly, Bijman and Shaffer do not add to the teachings of Beatty and Walsh.

Independent claim 6 recites, detecting “a using situation of the portable apparatus usable by the particular user based on information selected from at least one of an electronic mail address of another party in a mail reception or transmission and a telephone number of another party in a telephone reception or transmission.” Claim 6 further recites, “a control part configured to automatically select, based on said detected using situation, one application program from among one or more application programs usable by the particular user from the managing part, and to make the selected application program usable by the particular user.”

Similarly, independent claims 19 and 21 recite managing “one or more application programs” and “automatically selecting “an application program” and making “the selected application program” usable by the particular user.

Claim 27 recites, “controlling the terminal to switch between the first operation mode when a first data is transmitted using the terminal” and “the second operation mode when a second data is transmitted” and “automatically providing an application program stored in the terminal based on the first or second operation mode to which the terminal is controlled to switch.”

Claim 28 recites, “detecting a current use of the terminal based on a type of information exchanged via the terminal based on a use set by a switch” and “automatically providing an application program stored in the terminal, based on said use set.”

Claim 29 recites, “determining a location of the portable terminal and an application program of the portable terminal used for executing a first set of procedures.” Claim 29 further recites, “modifying the application program and information with respect to the function of the terminal for executing a second set of procedures based on the location detected using the portable terminal”, where the first set and the second set of procedures include displaying “the application program of the portable terminal in a manner useable by a user.”

The cited references, alone or in combination, do not teach or suggest the above discussed features of the independent claims including detecting “use” of the terminal and selecting “an application program” among programs stored, as claimed by the independent claims.

For at least the above-mentioned reasons, dependent claims 5, 15-17 and 22-26 are patentably distinguishable over the cited references. The dependent claims are also patentable.

Therefore, withdrawal of the rejection is respectfully requested.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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